

IN THE UNITED STATES DISTRICT COURT FOR THE  
DISTRICT OF NEBRASKA

DAVID M. SIMON and MARGARET	)	
S. SIMON,	)	
	)	
Plaintiffs,	)	8:10CV201
	)	
v.	)	
	)	
I.R.S.,	)	ORDER
	)	
Defendant.	)	
_____	)	

This matter is before the Court on its own motion. The above-captioned matter has been provisionally filed on May 21, 2010 (Filing No. [1](#)). However, due to certain technical defects, plaintiff Margaret S. Simon's complaint cannot be further processed until such defects are corrected. To assure further consideration of the complaint, Margaret S. Simon must correct the defect listed below. **FAILURE TO CORRECT THE DEFECT MAY RESULT IN DISMISSAL OF THE PETITION.**

Margaret S. Simon has failed to include the \$350.00 filing fee. Margaret S. Simon has the choice of either tendering the \$350.00 fee to the clerk of the court or submitting a request to proceed in forma pauperis and an affidavit of poverty in support thereof. In the event that Margaret S. Simon chooses to do the latter, the enclosed pauper's forms should be completed and returned to this Court.

IT IS ORDERED:

1. Margaret S. Simon is directed to correct the technical defect in the complaint on or before July 15, 2010.

2. Failure to comply with this order will result in dismissal of this matter as to Margaret S. Simon without further notice.

3. The clerk of the court is directed to send to plaintiff Margaret S. Simon the Form AO240, Application to Proceed Without Prepayment of Fees and Affidavit.

4. The clerk of the court is directed to set a pro se case management deadline in this matter with the following text:  
July 15, 2010: deadline for payment or filing of IFP application.

DATED this 16th day of June, 2010.

BY THE COURT:

/s/ Lyle E. Strom

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LYLE E. STROM, Senior Judge  
United States District Court